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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2008 FEB 26 AM 9:43
SOUTHERN DISTRICT OF CALIFORNIA
KNW DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Baltazar ARREOLA,** Defendant	Magistrate Docket No. '08 MJ 0562 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **February 25, 2008** within the Southern District of California, defendant, **Baltazar ARREOLA,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **26th** DAY OF **FEBRUARY 2008**

Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Baltazar ARREOLA

PROBABLE CAUSE STATEMENT

On February 25, 2008, at approximately 12:40 a.m. Border Patrol Agent A. Rodriguez responded to a call from a scope operator of one individual walking north in an area known as the "Elbow". This area is located approximately one and a half miles west of the San Ysidro, California and 300 yards north of the United States/Mexico International Boundary. Once in the area and after a brief search Agent Rodriguez encountered an individual attempting to conceal himself in some dense brush. Agent Rodriguez identified himself as a Border Patrol Agent and questioned subject as to his citizenship and immigration status. The subject, later identified as the defendant **Baltazar ARREOLA,** admitted to being a citizen and national of Mexico without having any immigration documents that would allow him to be or remain in the United States legally. At approximately 12:45 a.m., the defendant was arrested and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **January 30, 1998** through **Calexico, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights, which he stated he understood and was willing to answer questions without having any immigration documents that would allow him to be or remain in the United States legally. The defendant stated that he was headed to San Moreno Valley, California.